

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: A.G. Filler et al.

Attorney Docket No. WRUW16938

Serial No: 08/028,795

Group Art Unit: 3305

Filed: March 8, 1993

Examiner: B. Casler

Title: IMAGE NEUROGRAPHY AND DIFFUSION ANISOTROPY IMAGING

REQUEST FOR REFUND OF OVERPAYMENT OF EXTENSION OF TIME FEES

Seattle, Washington 98101

March 1, 1995

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

On November 14, 1994, a response was filed to a July 11, 1994 Office Action that relates to the above-identified patent application. A formal request for a one-month extension of time should have accompanied the response, but was inadvertently omitted. Although no formal request for an extension of time was submitted, the transmittal letter for the November 14, 1994 response noted that any additional fees should be charged to Deposit Account No. 03-1740.

Applicants' counsel contacted Examiner Casler by telephone when counsel recognized that a formal request for a one-month extension of time had not been transmitted to the USPTO with the November 14, 1994 response. When applicants' counsel inquired as to how best to handle the omission, Examiner Casler stated that he had not previously encountered such a situation, but would speak to others in the Office to determine the procedure to be followed. Subsequently, additional confusion was encountered because Examiner Casler mistakenly informed applicants' counsel that the response was timely. The Examiner's mistake apparently occurred because the November monthly anniversary of the Office Action (Friday, November 11, 1994) was a federal holiday and applicants' response was filed on the following Monday. Examiner Casler evidently believed this date to be the end of the three-month shortened statutory period. When applicants' counsel discovered the mistake,

1 Examiner Casler was again contacted by telephone. Since the statutory six-month period was near a
2 close, it was determined that the best way of handling the situation was for applicants' counsel to send
3 a request for an extension of time to Examiner Casler by facsimile. The understanding was that the
4 request would be hand carried to the appropriate section within the PTO, and, further, that a
5 determination would be made as to whether the filing of a response within one month of the
6 three-month statutory period and the concurrent notation that additional fees be charged to counsel's
7 deposit account was sufficient basis for paying only a one-month extension fee. The request for an
8 extension of time that was sent to Examiner Casler by facsimile (copy enclosed), specifically noted
9 that the assignees of the subject patent application are small entities (with Small Entity Declarations
10 being of record).

11 On January 11, 1995, a charge of \$870 was made to Deposit Account No. 03-1740 (the
12 deposit account of applicants' counsel) with a Fee Code 117 being indicated (3-month extension of
13 time for a large entity). A copy of the Monthly Statement of Deposit Account which evidences
14 payment is enclosed.

15 Applicants respectfully request a refund of the difference between the time extension fee for a
16 large entity and the time extension fee for a small entity. If it is proper to charge applicants for a
17 three-month extension of time, the amount that should be refunded is \$435.

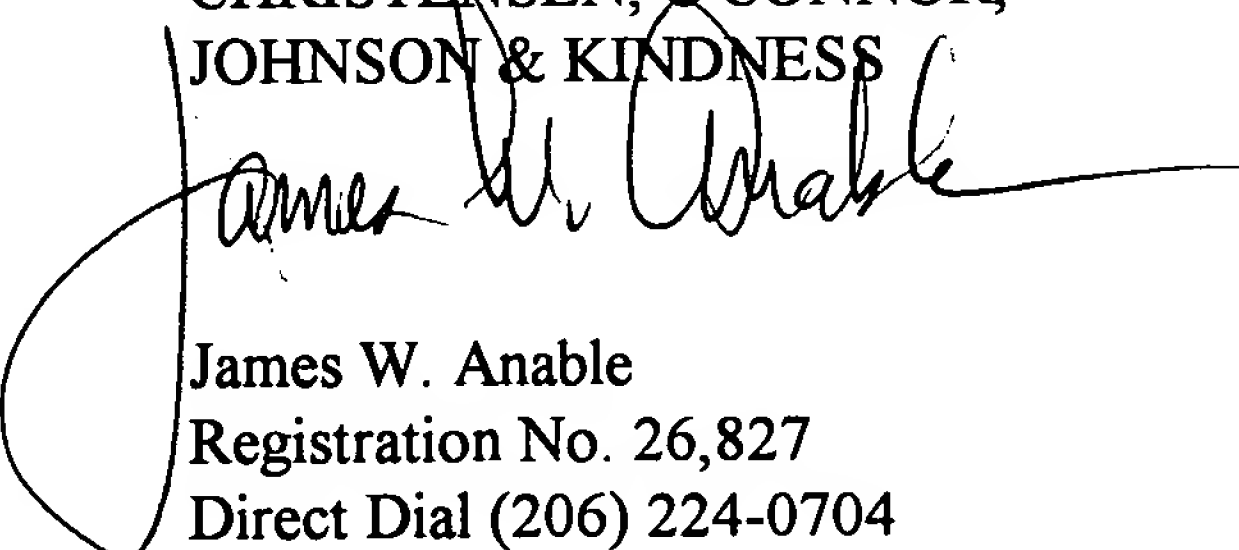
18 Applicants further request consideration as to whether applicants should be charged only for a
19 one-month extension of time. In particular, applicants response was filed within one month of the
20 shortened three month statutory period and, in addition, the transmittal letter that accompanied the
21 response authorized the charging of any additional fees to Deposit Account No. 03-1740. A copy of
22 the transmittal letter is enclosed. The charge for a one-month extension of time for a small entity is
23 \$55. Thus, if a one-month extension of time is appropriate under these circumstances, applicants
24 respectfully request a refund in the amount of \$815 (the \$870 charged minus the \$55 one-month
25 extension fee for a small entity).

1 The Patent Office is authorized to credit the amount refunded to Deposit Account
2 No. 03-1740.

3 If the reviewing party has any questions regarding this matter, the undersigned attorney should
4 be contacted at the telephone number listed below.

5 Respectfully submitted,

6 CHRISTENSEN, O'CONNOR,
7 JOHNSON & KINDNESS

8 
9 James W. Anable
10 Registration No. 26,827
11 Direct Dial (206) 224-0704

12 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a
13 sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner of
14 Patents and Trademarks, Washington, D.C. 20231, on 3/1/95.

15 Date: 3/1/95

16 

17 JWA:dc
18
19
20
21
22
23
24
25



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and
return top portion with your check. Make check
payable to Commissioner of Patents & Trademarks.

CHRISTENSEN O'CONNOR
JOHNSON & KINDNESS
2800 PACIFIC FIRST CENTRE
1420 FIFTH AVENUE
SEATTLE WASH 98101

FINA

FEB 13 1995

Account No.	03-1740
Date	01-31-95
Page	1

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES	CREDITS	BALANCE			
MO.	DAY	YR.										
1	9	95	19450	PCT/US94/14567	BGTD-1-8115	566	✓1200		549200			
1	10	95	10134	08263926	MC8018 KNIP 8053	203	✓3300		545900			
1	10	95	15036	74406958	VWRD-11020	361	✓24500		521400			
1	11	95	13413	08045670	CBLT01AERG 0117	216	✓13000		508400			
1	11	95	30066	08028795 WPMW	UDFW16938	1117	✓87000		421400			
1	17	95	19020	PCT/US94/14980	SHSO-1-8150	566	✓2400		419000			
1	17	95	19258	PCT/US94/10261	FHCR-1-7867	152	✓18000		401000			
1	19	95	18043	1294685	PACS-2-11653	365		✓30000	431000			
1	19	95	14345	267	UWEM-1-1261 & 1262	566	12 ea 2400		428600			
1	19	95	14394	257	RIDE-2-12602 & 12606	466	30 ea 8000		422600			
1	19	95	14395	261	CINN-2-12612	466	✓1200		421400			
1	19	95	14398	262	WDIC-2-12045	466	✓1200		420200			
1	19	95	14399	256	RIDE-2-12596 & 12600	466	30 ea 6000		414200			
1	19	95	14400	1607/GMT	RACI-2-12149	466	✓12000		402200			
1	19	95	14401	252	FLUK-2-12374 & 12393	466	70 ea 5600		386600			
1	19	95	15209	74560134	HILH-2-12417	361	✓24500		362100			
1	20	95	14417	08250566	CASM-1-7702	122	✓13000		349100			
1	20	95	19173	PCT/US95/00256	ALLI-1-8175	566	✓1200		347900			
1	23	95	30207	74520160	WDIC-2-12079	466	✓50400		297500			
1	23	95	13433	4663450	KELB-1-6023	581		✓4000	301500			
1	25	95	13080	08132117	VAUG-1-1926 & 1927 & 1928	566	12 ea 3600		297900			
1	25	95	14412	08151414	BIDK17061	202	✓1600		290300			
1	26	95	15124	74013245	SUNI-2-5686	364	✓10000		280300			
1	30	95	18018	08310121	NORT17842	201		✓35500	315800			
1	31	95	14036	08154923	FILT17398	148	✓1000		314800			
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.					OPENING BALANCE 550400		TOTAL CHARGES 305100		TOTAL CREDITS 69500		CLOSING BALANCE 314800	

POSTED
5023 2/21

POSTED
5023 2/21

*** 00 INDICATES OVERDRAWN